

MINUTES OF THE

NEBRASKA NATURAL RESOURCES COMMISSION MEETING

May 23, 2001

Those in attendance were:

LeRoy Pieper, Chair	Beverly Donaldson, Member
Wayne Davis, Member	Vince Kramper, Member
Robert Hahn, Member	Steve Chick
Arlond Garratt, Member	Milton Moravek
Roger Korell, Member	Marlin Petermann
Jim Van Marter, Member	Nelson Carpenter
Donald Roberts, Member	Kevin Orvis
Wayne Madsen, Member	Artis Fisher
Richard Jiskra, Member	Scott Nelson
Joe Hergott, Member	Roger Patterson, Director
Garry Anderson, Member	Tom Pesek, Staff
Don Larson, Member	Gayle Starr, Staff

CALL TO ORDER

The meeting was called to order by Commission Chair, LeRoy Pieper, in the conference room of the Lower Platte South NRD office in Lincoln, Nebraska, at approximately 9:30 a.m.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on May 15, 2001, notifying the public of the meeting.

INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

1. Report of Natural Resources Commission Funds Expenditures.
2. Soil & Water Conservation Fund – Expenditures by Month.
3. Nebraska Soil and Water Conservation Fund – Republican Basin Surface Water Meter Program Summary.
4. Water Well Decommissioning Cash Fund.
5. Natural Resources Enhancement Fund Receipts.
6. Status of Small Watersheds Flood Control Fund.
7. Nebraska Resources Development Fund Present Financial Status.
8. Nebraska Resources Development Fund Quarterly Report.
9. NRCS Report to the NRC and NARD.
10. Copy of letter to Papio-Missouri River NRD pertaining to Western Sarpy/Clear Creek Project.

MINUTES

Motion was made by Kramper and seconded by Van Marter to approve the minutes of the March 8, 2001 Commission meeting as distributed. Motion carried.

Aye: Kramper, Korell, Madsen, Van Marter, Hahn, Roberts, Hergott, Davis, Jiskra, Donaldson, Bartak, Anderson, Garratt, Larson, Pieper

Nay: None

Not Present: Johannes

EXPENDITURE REPORT

It was noted that an expenditure report of the Commission's funds had been distributed and would be placed on file.

ADVISOR'S COMMENTS

Steve Chick, representing the Natural Resources Conservation Service, briefly commented on the Conservation Reserve Program, the new Soil and Water Assistance Program, the Environmental Quality Incentive Program, the status of P.L. 566 projects, and the selection of Tim Schaaf as the new State Agronomist.

DIRECTOR'S REPORT

Roger Patterson reported that a reception was held in the office and a dinner at the Holiday Inn downtown for Dayle's retirement on March 30, with about 300 people in attendance. He added that Dayle is now working for Senator Nelson out of his Lincoln office as his agriculture representative.

Patterson reported that Russ Oakland, our field office supervisor in Cambridge had left the agency and Brad Edgerton, our number two person in Cambridge had been promoted to fill that position and David Gunderson has been hired to replace Brad. He added that the Legislature and the Governor provided the authority to hire three employees to implement and monitor the Nebraska-Wyoming-North Platte River settlement and that one engineer would be hired to be located in Lincoln and an engineer and technician be hired to locate in the Bridgeport office. Patterson added that the passage of LB 667 and 667A, as Jim had explained yesterday provided two additional positions to carry out those tasks but they are to be funded from the fees collected and it is unknown how much fees might be collected so the agency will move more cautiously on adding those two positions.

Patterson noted that Dayle Williamson is continuing as an appointed member of the Carbon Sequestration Committee and that Steve Gaul and other staff are working on that issue in cooperation with the Natural Resources Conservation Service. Patterson explained that the water supply in the Platte River system had improved significantly in the last few months as the storage owners should get their full amounts even though all the reservoirs will not fill this year. He added that the situation is significantly different in the Republican Basin where some irrigation districts will receive only minimal allocations.

ENVIRONMENTAL TRUST

Vince Kramper noted that the Trust had allocated nine million dollars to 65 projects at their last meeting and that their next meeting would be August 9. Roger Patterson added that the due date for the next round of applications is September 10.

PLATTE AND REPUBLICAN RIVER ACTIVITIES

Patterson reported that the Special Master had conducted a hearing recently where the parties to the settlement had provided him an explanation of the various details of the settlement. He added that it is anticipated that the Special Master will provide a draft of his findings to the parties for comment in July and that he hopes to submit his report to the Supreme Court by August so that it will be available for the Supreme Court at the start of their next session in October.

With regard to the Republican Basin lawsuit with Kansas, Patterson noted that the Special Master is trying to move the case along rapidly and has asked the three states to agree on the historical information and that Colorado and Nebraska have agreed but Kansas has a differing view. He added that the Special Master has called a hearing for May 30 to discuss this and other issues relating to the case. He added that the Special Master has again asked the three parties to attempt to negotiate their differences.

COMPREHENSIVE PLANNING COMMITTEE

Beverly Donaldson noted that the committee had met Wednesday afternoon and all Commission members present had also been at that meeting. She noted that Commission members had copies of the minutes of the meeting and that unless there were questions, she would not discuss the issues further since there was no recommended actions.

PROGRAM COMMITTEE

Wayne Davis noted that the committee had reviewed the status reports on the various funds and that the first recommended action regarded the Western Sarpy/Clear Creek Project. Motion was made by Davis and seconded by Jiskra to advise the Papio-Missouri River NRD it may proceed with an application and feasibility report for the Western Sarpy/Clear Creek Project and that it is to address the comments and questions contained in the letter from the Director of Natural Resources. Motion carried

Aye: Korell, Madsen, Van Marter, Hahn, Roberts, Hergott, Davis, Jiskra, Donaldson, Bartak, Anderson, Garratt, Larson, Kramper, Pieper

Nay: None

Not Present: Johannes

Davis indicated that the next recommended action was to modify project components for projects requesting funds. Motion was made by Davis and seconded by Roberts to establish the following project components:

NEBRASKA RESOURCES DEVELOPMENT FUND				
Project Components and Request for FY 2002 Funds				
May 22, 2001				
Project	#	Project Component	Request for FY 2002	
Lower Wood River/ Upper Warm Slough	3	Relocations (Bridges)	\$ 159,096.74	
	4	Construction	404,099.40	
				\$ 563,196.14
Stevens Creek	2A	Engineering Services - Design/Geotech (2nd 5 Structures)	\$ 27,750.00	
	3B	Land Rights (Appraisal, Acquisition, etc. - 2nd 5 Structures)	225,300.00	
	4	Engineering Services - Construction Observation	36,000.00	
	5	Construction; A6-1, A7-1, A17-1	310,800.00	
				\$ 599,850.00
Powder Creek	4	Construction	\$ 53,336.00	
	5	Recreation Facilities & Mitigation	91,422.00	
				\$ 144,758.00
			TOTAL:	\$ 1,307,804.14

Motion carried.

Aye: Madsen, Van Marter, Hahn, Roberts, Hergott, Davis, Jiskra, Donaldson, Bartak, Anderson, Garratt, Larson, Kramper, Korell, Pieper

Nay: None

Not Present: Johannes

- Davis indicated that the next action with regard to the Resources Development Fund was to obligate funds for fiscal year 2001-02. Motion was made by Davis and seconded by Roberts to obligate FY 2002 funds as follows:

NEBRASKA RESOURCES DEVELOPMENT FUND				
Project Components and Request for FY 2002 Funds				
May 22, 2001				
Project	#	Project Component	Request for FY 2002	Total Cost
Lower Wood River/ Upper Warm Slough	3	Relocations (Bridges)	\$ 159,096.74	
	4	Construction	404,099.40	
			\$ 563,196.14	\$ 938,660.23
Stevens Creek	2A	Engineering Services - Design/Geotech (2nd 5 Structures)	\$ 27,750.00	
	3B	Land Rights (Appraisal, Acquisition, etc. - 2nd 5 Structures)	225,300.00	
	4	Engineering Services - Construction Observation	36,000.00	
	5	Construction; A6-1, A7-1, A17-1	310,800.00	
			\$ 599,850.00	\$ 999,750.00
Powder Creek	4	Construction	\$ 53,336.00	
	5	Recreation Facilities & Mitigation	91,422.00	
			\$ 144,758.00	193,010.67
TOTAL:			\$ 1,307,804.14	\$2,131,420.90

Motion carried.

Aye: Van Marter, Hahn, Roberts, Hergott, Davis, Jiskra, Donaldson, Bartak, Anderson, Garratt, Larson, Kramper, Korell, Madsen, Pieper

Nay: None

Not Present: Johannes

- Davis indicated the committee had discussed the Small Watersheds Flood Control Fund and a request from the Little Blue NRD to amend an agreement between the Commission and the NRD regarding Site H of the Thirty-Two Mile Creek Watershed. Motion was made by Davis and seconded by Hergott to amend the agreement between the Commission and the Little Blue NRD regarding Prarie Lake (Site H of the Thirty-Two Mile Creek Watershed) in order to allow the NRD to sell two parcels off the tract as residential sites. Any revenue from sale of the tracts would be retained by the NRD to improve recreation facilities on the tract. Motion carried.

Aye: Hahn, Roberts, Hergott, Davis, Jiskra, Donaldson, Bartak, Anderson, Garratt, Larson, Kramper, Korell, Madsen, Van Marter, Pieper

Nay: None

Not Present: Johannes

- Davis indicated that the committee had been briefed on an amendment to the agreement between the Nemaha NRD and the Commission regarding the Middle Big Nemaha Watershed and the use of Small Watersheds Flood Control Fund. Motion was made by Davis and seconded by Larson to amend the agreement of the Middle Big Nemaha Watershed to include a total of 72

land rights at the eight structure sites. Motion carried.

Aye: Roberts, Hergott, Davis, Jiskra, Donaldson, Bartak, Anderson, Garratt, Larson, Kramper, Korell, Madsen, Van Marter, Hahn, Pieper

Nay: None

Not Present: Johannes

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The final item of committee discussion was the Nebraska Soil and Water Conservation Fund allocation for the coming year. Motion was made by Davis and seconded by Roberts to allocate \$3,454,147.00 of available general funds and any additional cash or returned funds by distributing \$1,000,000 equally among the 23 NRDs and the remainder according to the NRI formula.

Aye: Hergott, Davis, Jiskra, Donaldson, Bartak, Anderson, Garrett, Larson, Kramper, Korell, Madsen, Van Marter, Hahn, Rogerts, Pieper

Nay: None

Not Present: Johannes

Davis indicated that the Commission would consider allocation of the additional \$500,000 plus any remaining funds from the Republican Basin metering program at the next Commission meeting.

NEXT MEETING

Jim Van Marter noted the letter that Don Larson had provided to Commission members recently and indicated that he felt the last part of the letter was very good and should be made a part of the minutes. Motion was made by Van Marter and seconded by Hergott to incorporate Don Larson's recent letter into the Commission minutes. Motion carried.

Aye: Jiskra, Donaldson, Bartak, Anderson, Garratt, Larson, Kramper, Korell, Madsen, Van Marter, Hahn, Roberts, Hergott, Pieper

Nay: Davis

Not Present: Johannes

The letter is attached and made a part of these minutes.

LeRoy Pieper noted that the July 18-19 Commission meeting is to be held in the Scottsbluff-Gering area with a bus tour of that area on the 18th starting at 8:30 a.m. He added that the Commission meeting will be at the Gering Civic Center and he had arranged lodging for Commission members and staff at the Gering Microtel which is adjacent to the Gering Civic Center.

ADJOURNMENT

The meeting was adjourned at approximately 10:45 a.m.

Chair

Director of Natural Resources